

UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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2007 JAN -8 P 3: 54

Albert William Bleau Jr.

:

U.S. DISTRICT COURT
DISTRICT OF MASS.

Plaintiff

:

:

Vs.

:

Civil Action
No. 04 – 10469WGY

:

Bridgewell, Inc. (Greater Lynn Mental Health
& Retardation Association), et al,

:

Defendants

Motion For Protective Oder

The plaintiff respectfully requests a protective order pursuant to federal rule 34.1 (c) (e) and 45.1 to deny defendant Bridgewell's subpoena of licensed psychologist, Mitchell Cohen requesting plaintiff's counseling records. See attachment.

The records are confidential and releasing them is a violation of plaintiff's privacy Rights. The request is overly broad, includes third parties not relevant to this proceedings, covers dates not relevant to this proceeding and the records are not a public record. This is nothing but a "fishing expedition". Certain records could be relevant if the plaintiff wins his claim for defamation and is awarded damages based on emotional stress and the plaintiff agrees to release certain records.

The records can not be released without the permission of the plaintiff and without this permission, the release of the records would be a violation of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, et seq., and in violation of Title II of the

Americans with Disabilities Act of 1990 (ADA) as amended, 42 U.S.C. §§ 12131-12165 and 42 U.S.C. §§ 12101, et seq., and the United States Federal Confidentiality Regulations including 42.CFR part 2 DHHS and the United States Federal Standards for Privacy of Individually Identifiable Health Information, final rule (Privacy Rule), of December 2000 pursuant to the Administrative Simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPPA) and 45 CFR Parts 160 and 164, Subparts, 164, Subparts A and E. 6 and State and federal banking regulations.

The plaintiff has called the defendant and has been unsuccessful in resolving this dispute.

Plaintiff respectfully requests that plaintiff's motion is granted.

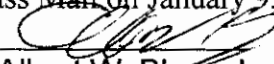
Dated: January 8, 2007


Respectfully submitted,

Albert W. Bleau Jr.
505 Paradise Rd. #208
Swampscott, MA 01907
(781) 962-2662

CERTIFICATE OF SERVICE

I hereby certify that a true copy of
the above document was served
upon all counsel of record by First
Class Mail on January 9, 2007.


Albert W. Bleau Jr.

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Smith & Duggan LLP
Two Center Plaza
Boston, MA 02108-1906
(617) 248-1900

Donald K. Stern
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150 Federal St.
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William T. Harrington
Glynn, Landry, Harrington,
& Rice, LLP
10 Forbes Rd.,
Suite 270
Braintree, MA 02184

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
 DISTRICT OF **MASSACHUSETTS**

ALBERT W. BLEAU, JR.

SUBPOENA IN A CIVIL CASE

V.

BRIDGEWELL, INC., et al.

Case Number:¹ 04-CV-10469-WGY

Mitchell Cohen
 TO: 1 Center Street
 Gloucester, MA 01930-5720

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

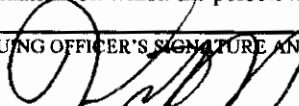
All records, files, and notes relating to any treatment, examination, consultation or counselling of Albert William Bleau, Jr., DOB 5/2/1944. from January 1, 1999 to the present.

PLACE	DATE AND TIME
Glynn, Landry, Harrington & Rice, LLP 10 Forbes Rd., Suite 270, Braintree, MA 02184	Jan. 11, 2007 at 10:00 a.m.

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 counsel for defendant A. Bridgewell	12/27/06

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
 William T. Harrington Glynn, Landry, Harrington & Rice, LLP
 10 Forbes Rd., Suite 270, Braintree, MA 02184; 781-356-1749

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.